IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No. 4114
Foulger *et al.*	Art Unit: 3623
Appl. No. 09/841,167	Examiner: Beth Van Doren
Filed: April 25, 2001	Atty. Docket: 2222.9470001
For: **Method, System, and Computer Program Product for Employment Market Statistics Generation and Analysis**	

Brief on Appeal Under 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Appeal from the final rejection of claims 3-6, 9, 10, 15-18, 21-23, 26-29, and 32-46 was filed on May 30, 2008. Appellants hereby file one copy of this Appeal Brief, together with the required fee set forth in 37 C.F.R. § 41.20(b)(2).

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

Table of Contents

I. Real Party in Interest (37 C.F.R. § 41.37(c)(1)(i))

The real party in interest in this appeal is Archeron Limited LLC, having its principal place of business at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19809. An Assignment assigning all right, title, and interest in and to the patent application from the previous assignee to Archeron Limited LLC was recorded in the United States Patent and Trademark Office on July 16, 2007, at reel 019550, frame 0768.

II. Related Appeals and Interferences (37 C.F.R. § 41.37(c)(1)(ii))

To the best of the knowledge of Appellants, Appellants' legal representative, and Appellants' assignee, there are no other appeals, interferences, or judicial proceedings which are related to, directly affect, or be directly affected by or have a bearing on a decision by the Board of Patent Appeals and Interferences ("the Board") in the pending appeal.

III. Status of Claims (37 C.F.R. § 41.37(c)(1)(iii))

This application was originally filed as U.S. Application No. 09/841,167 on April 25, 2001, with 33 claims. In response to an Office Action that issued June 28, 2005, Appellants filed an Amendment and Reply Under 37 C.F.R. § 1.111 on December 22, 2005, in which no changes to the claims were made. In response to a Final Office Action that issued February 27, 2006, Appellants filed a Reply Under 37 C.F.R. § 1.116 on April 28, 2006, in which no changes to the claims were made. In response to an Advisory Action that issued May 17, 2006, Appellants filed a Notice of Appeal on August 24, 2006. On March 26, 2007, Appellants file a Request for Continued Examination with an Amendment and Reply Under 37 C.F.R. § 1.111, in which claims 1, 2, 7, 8, 11-14, 19, 20, 24, 25, 30, and 31 were canceled, claims 3-6, 9, 10, 15-18, 21-23, 26-29, 32, and 33 were amended, and new claims 34-46 were added. In response to an Office Action that issued April 26, 2007, Appellants filed a Reply Under 37 C.F.R. § 1.111 on October 26, 2007, in which no changes to the claims were made. The Examiner issued a Final Office Action on January 4, 2008, from which Appellant files this Appeal. In response to a Final Office Action that issued January 4, 2008, Appellants filed an Amendment and Reply Under 37 C.F.R. § 1.116 on May 5, 2008, in which claims 3, 4, 6, 9, 10, 26, 27, 29, 32, 33, 35-37, and 44-46 were amended. In response to an Advisory Action that issued May 12, 2008, Appellants filed a Notice of Appeal on May 30, 2008.

Claims 3-6, 9, 10, 15-18, 21-23, 26-29, and 32-46 are pending. Claims 3-6, 9, 10, 15-18, 21-23, 26-29, and 32-46 are rejected and are being appealed. A copy of the claims on appeal can be found in the attached Claims Appendix as required under 37 C.F.R. § 41.37(c)(1)(viii).

IV. Status of Amendments (37 C.F.R. § 41.37(c)(1)(iv))

According to the Advisory Action that issued May 12, 2008, all amendments presented in the Amendment and Reply Under 37 C.F.R. § 1.116, filed May 5, 2008, have been entered. No other amendments have been filed subsequent to the Final Office Action that issued January 4, 2008.

V. Summary of Claimed Subject Matter (37 C.F.R. § 41.37(c)(1)(v))

A concise explanation of the subject matter defined in each of the independent claims on appeal (i.e., claims 3, 4, 15, 16, 23, 26, 27, and 42) is provided below. The explanation refers to the specification, as presented in the patent application publication, by paragraph number and to the drawings by reference characters.

Claims 3, 4, 15, 16, 23, 26, 27, and 42 are broadly directed to a method of generating employment market characteristics from a network, a system for implementing the method, and a computer program product having computer program logic for implementing the method. The method includes the steps of accessing an employment resource including data via a network, matching the data to one of a plurality of employment market categories, and updating at least one statistical indicator associated with the matched employment market category.

Regarding claims 3, 4, 15, 16, 26, and 27, an employment resource, comprising data, is accessed via a network (paragraph [0044], reference number 308). The data is matched to one of a plurality of employment market categories (paragraph [0046], reference number 310). At least one statistical indicator associated with the matched employment market category is updated (paragraph [0047], reference number 312). In an embodiment, the at least one statistical indicator associated with the matched employment market category is updated by calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category (paragraphs [0009] and [0062], reference number 600). In another embodiment, the at least one statistical indicator associated with the matched employment market category is updated by incrementing a first counter associated with the matched employment market category when the employment resource is a resume and incrementing a second counter associated with the

matched employment market category when the employment resource is a job listing (paragraph [0008]). The method can be implemented with hardware, software, firmware, or any combination thereof (paragraphs [0025] and [0036]).

Regarding claims 23 and 42, a system for generating employment market statistics from a network includes: (1) a spider engine (paragraph [0025] and reference number 102) that accesses an employment resource, comprising data, via a network and (2) a statistical analysis engine (paragraph [0036] and reference number 110) that matches the data to one of a plurality of employment market categories. In an embodiment, statistical analysis engine (110) also calculates a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category (paragraph [0009]). In another embodiment, statistical analysis engine (110) increments a first counter associated with the matched employment market category when the employment resource is a resume and increments a second counter associated with the matched employment market category when the employment resource is a job listing (paragraph [0008]).

VI. Grounds of Rejection To Be Reviewed on Appeal (37 C.F.R. § 41.37(c)(1)(vi))

The Examiner has finally rejected claims 3-6, 9, 10, 15-18, 21-23, 26-29, and 32-46 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0229638 to Carpenter *et al.* ("the Carpenter Publication").

Accordingly, the grounds of rejection to be reviewed on appeal are whether claims 3-6, 9, 10, 15-18, 21-23, 26-29, and 32-46 would have been anticipated by the Carpenter Publication.

VII. Argument (37 C.F.R. § 41.37(c)(1)(vii))

A Final Office Action issued on January 4, 2008, and rejected claims 3-6, 9, 10, 15-18, 21-23, 26-29, and 32-46 under 35 U.S.C. § 102(e) as allegedly being anticipated by the Carpenter Publication.

The present patent application claims the benefit of U.S. Provisional Patent Application No. 60/199,376 ("the Foulger Provisional"), filed April 25, 2000 (paragraph [0001]). The Foulger Provisional was cited in the Supplemental Information Disclosure Statement filed October 29, 2007. The Carpenter Publication was filed February 5, 2001, but claims the benefit of U.S. Provisional Patent Application No. 60/180,368 ("the Carpenter Provisional"), filed February 4, 2000 (section 60 of the Carpenter Publication). The Carpenter Provisional was also cited in the Supplemental Information Disclosure Statement filed October 29, 2007.

The Carpenter Publication should be removed as a prior art reference under 35 U.S.C. § 102(e) because neither the Carpenter Publication nor the Carpenter Provisional discloses, teaches, or suggests: (1) the feature of calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category (as recited in each of independent claims 3, 15, 23, and 26) or (2) the features of incrementing a first counter associated with the matched employment market category when the employment resource is a resume and incrementing a second counter associated with the matched employment market category when the employment resource is a job listing (as recited in each of independent claims 4, 16, 27, and 42).

Moreover, even if, *arguendo*, the Carpenter Publication could be said to teach: (1) the feature of calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category (as recited

in each of independent claims 3, 15, 23, and 26) or (2) the features of incrementing a first counter associated with the matched employment market category when the employment resource is a resume and incrementing a second counter associated with the matched employment market category when the employment resource is a job listing (as recited in each of independent claims 4, 16, 27, and 42), the Carpenter Provisional does not teach either of these features, but the Foulger Provisional teaches both of them. Therefore, the present patent application enjoys the benefit of the April 25, 2000, filing date of the Foulger Provisional, but the Carpenter Publication, with a February 5, 2001, filing date, does not enjoy the benefit of the filing date of the Carpenter Provisional so that the Carpenter Publication should be removed as a prior art reference under 35 U.S.C. § 102(e).

Independent claim 3, which is representative of embodiments that include the feature of calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category, recites:

> A method of generating employment market statistics from a network, comprising the steps of:
>
> (a) accessing an employment resource via the network, the employment resource comprising data;
>
> (b) matching the data to one of a plurality of employment market categories; and
>
> (c) updating at least one statistical indicator associated with the matched employment market category;
>
> wherein step (c) comprises the step of calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category.

Independent claim 4, which is representative of embodiments that include the features of incrementing a first counter associated with the matched employment market category when the employment resource is a resume and incrementing a second counter associated with the matched employment market category when the employment resource is a job listing, recites:

> A method of generating employment market statistics from a network, comprising the steps of:

(a) accessing an employment resource via the network, the employment resource comprising data;

(b) matching the data to one of a plurality of employment market categories; and

(c) updating at least one statistical indicator associated with the matched employment market category;

wherein step (c) comprises the steps of:

incrementing a first counter associated with the matched employment market category when the employment resource is a resume; and

incrementing a second counter associated with the matched employment market category when the employment resource is a job listing.

In the Final Office Action that issued on January 4, 2008, the Examiner contends that (emphasis added):

> . . . A non-provisional application is afforded the priority date of the provisional application so long as there is adequate written description to support that the inventors did in fact have possession of the invention described in the non-provisional application at the time of filing the provisional. The support found in the provision [sic] does not have to be verbatim as long as one reasonably feels that ***the inventor had possession of the invention*** at time of filing. Thus, the non-provisional application is itself proper prior art, unless it can be proven that the disclosure is not fully supported by the provisional.
>
> In this case, Examiner is not persuaded by Applicant's arguments with regards to the teachings of Carpenter et al. First, ***with regards to the "calculating a ratio" feature***, examiner notes that she relied on Carpenter et al., specifically paragraphs 0046-7, 0054-6, to teach this limitation. Carpenter et al. specifically discloses processing and indexing documents. Documents are classified as job-postings, resumes, or irrelevant. The classification further includes location information (city, state, and zip code). Through this process, the document becomes searchable, such as by city, state, etc. See paragraphs 0042-3. See also paragraphs 0044-5 and 0049-50 for context. After the information above is stored in the system, the resumes and job listings are matched. Carpenter states that a search is performed on the resumes and a set of resumes with a ***relevant percentage rate*** are returned as good matches. Therefore a ***proportion of the entire pool of resumes*** is returned as results to the search. See paragraph 0054.
>
> ***Looking to the provisional for support that the inventor had possession of the invention*** at time of filing, the provisional application of Carpenter et al. discusses such storing document and making them searchable (See at least pages [sic]), as well as returning a proportion of the entire pool of resumes (See at least pages 2, 4, 7-9, which discloses the concept based searching technology. See pages 12, 16, 19, where ***search results that are gained that are a portion of the entire pool***).
>
> ***With regards to the "incrementing a counter" feature***, examiner notes that she relied on Carpenter et al., specifically paragraphs 0046-7, 0054-6, to teach this limitation. A spider engine in the system collects data, which is indexed and stored. As information is retrieved and stored, operating

parameters of the system are dynamically updated. Limits are checked against amounts of new data in order to determine whether to postpone the spider engine or increase its capability. Therefore, a spider retrieves resume and job posting content. In the broadest reasonable interpretation, ***a "counter" is anything used to keep a count of something***. In the system of Carpenter, ***the amount of data stored is tracked*** and when the amount is higher then a limit, the spider's activity is changed. The system also maintains ***count of the age of documents***. Therefore, Carpenter teaches counters associated with the data of the system. See paragraphs 0046-8.

Looking to the provisional for support that the inventor had possession of the invention at time of filing, the provisional application of Carpenter et al. discusses spider technology and ***counting documents***. See pages 8-9, 11-12, which discloses spider tools, real time indexes, and data collection.

Therefore, Examiner maintains that Carpenter et al. is an appropriate prior art reference supported by provisional 60/180368 with regards to these features.

A. Neither the Carpenter Publication Nor the Carpenter Provisional Discloses, Teaches, or Suggests All the Features in the Claims

The Examiner contends that the Carpenter Publication discloses a search performed on resumes to produce a set of resumes with a relevant percentage rate and that the Carpenter Publication and the Carpenter Provisional disclose that the set of resumes produced as a result of the search are a portion of a pool of the entire pool of resumes. Such disclosures cannot be considered to be a teaching of ***calculating a ratio of resumes*** associated with the matched employment market category ***to job listings*** associated with the matched employment market category as recited in each of independent claims 3, 15, 23, and 26.

The Examiner also contends the Carpenter Publication discloses tracking an amount of data stored and counting an age of documents and that the Carpenter Provisional discloses counting documents. Such disclosures cannot be considered to be a teaching of ***incrementing a first counter associated with*** the matched employment market category when the employment resource is ***a resume*** and ***incrementing a second counter associated with*** the matched employment market category when the employment resource is ***a job listing*** as recited in each of independent claims 4, 16, 27, and 42.

Accordingly, neither the Carpenter Publication nor the Carpenter Provisional discloses, teaches, or suggests all the features in the claims.

B. Neither the Carpenter Publication Nor the Carpenter Provisional Shows Possession of the Claimed Embodiments

The Examiner has erroneously attempted to extend the purported disclosures of "a relevant percentage rate" and "a portion of a pool of the entire pool of resumes" in the Carpenter Publication and the Carpenter Provisional to encompass calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category. The Examiner has also erroneously attempted to extend the purported disclosures of "tracking an amount of data stored," "counting an age of documents," and "counting documents" to encompass incrementing a first counter associated with the matched employment market category when the employment resource is a resume and incrementing a second counter associated with the matched employment market category when the employment resource is a job listing.

However, regarding general principles governing compliance with the "written description" requirement, section 2163(I) of the Manual of Patent Examining Procedure (M.P.E.P.) states (emphasis added):

> An applicant shows possession of the claimed invention by describing the claimed invention ***with all of its limitations*** using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997).

Neither the Carpenter Publication nor the Carpenter Provisional discloses, teaches, or suggests: (1) calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category as recited in each of independent claims 3, 15, 23, and 26 or (2) incrementing a first counter associated with the matched employment market category when the employment resource is a resume and incrementing a second counter associated with the matched employment market category

when the employment resource is a job listing as recited in each of independent claims 4, 16, 27, and 42.

Accordingly, neither the Carpenter Publication nor the Carpenter Provisional shows possession of the claimed embodiments.

C. Neither the Carpenter Publication Nor the Carpenter Provisional Enables One of Skill in the Art to Make and Use the Claimed Embodiments

The Examiner has failed to consider all of the requirements necessary for a nonprovisional patent application to enjoy the benefit of the filing date of a provisional patent application. Specifically, ***the Examiner has overlooked the requirement that***, to enjoy the benefit of the filing date of a provisional patent application, the specification of ***the provisional patent application must include*** a written description of ***the manner and process of making and using*** the embodiments claimed in the nonprovisional patent application.

35 U.S.C. § 119(e)(1) states, in relevant part (emphasis added):

> An application for patent filed under section 111(a) or section 363 of this title for an invention ***disclosed in the manner provided by the first paragraph of section 112*** of this title ***in a provisional application filed under section 111(b)*** of this title, by an inventor or inventors named in the provisional application, shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under section 111(b) of this title, if the application for patent filed under section 111(a) or section 363 of this title is filed not later than 12 months after the date on which the provisional application was filed and if it contains or is amended to contain a specific reference to the provisional application. . . .

Furthermore, section 706.02(VI)(D) of the M.P.E.P. states (emphasis added): "If the application properly claims benefit under 35 U.S.C. 119(e) to a provisional application, the effective filing date is the filing date of the provisional application for any claims ***which are fully supported under the first paragraph of 35 U.S.C. 112*** by the provisional application."

The first paragraph of 35 U.S.C. § 112 states (emphasis added):

> The specification shall contain a ***written description*** of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as ***to enable*** any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same,

> and shall set forth the ***best mode*** contemplated by the inventor of carrying out his invention.

In interpreting the first paragraph of 35 U.S.C. § 112, section 2161 of the M.P.E.P. states (emphasis added):

> This section of the statute requires that the specification include the following:
>
> (A) A written description of the invention;
>
> (B) The manner and process of making and using the invention (the enablement requirement); and
>
> (C) The best mode contemplated by the inventor of carrying out his invention.
>
> **THE THREE REQUIREMENTS ARE SEPARATE AND DISTINCT FROM EACH OTHER**
>
> The ***written description requirement*** is ***separate and distinct*** from the ***enablement requirement***. *In re Barker*, 559 F.2d 588, 194 USPQ 470 (CCPA 1977), *cert. denied*, 434 U.S. 1064 (1978); *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1562, 19 USPQ2d 1111, 1115 (Fed. Cir. 1991) (While acknowledging that some of its cases concerning the written description requirement and the enablement requirement are confusing, the Federal Circuit reaffirmed that under 35 U.S.C. 112, first paragraph, the written description requirement is separate and distinct from the enablement requirement and gave an example thereof.). An invention may be described without the disclosure being enabling (e.g., a chemical compound for which there is no disclosed or apparent method of making), and a disclosure could be enabling without describing the invention (e.g., a specification describing a method of making and using a paint composition made of functionally defined ingredients within broad ranges would be enabling for formulations falling within the description but would not describe any specific formulation). See *In re Armbruster*, 512 F.2d 676, 677, 185 USPQ 152, 153 (CCPA 1975) (***"[A] specification which 'describes' does not necessarily also 'enable' one skilled in the art to make or use the claimed invention."***). Best mode is a separate and distinct requirement from the enablement requirement. *In re Newton*, 414 F.2d 1400, 163 USPQ 34 (CCPA 1969).

Appellants note that, the feature of calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category (as recited in each of independent claims 3, 15, 23, and 26) and the feature of incrementing a first counter associated with the matched employment market category when the employment resource is a resume and incrementing a second counter associated with the matched employment market category when the employment resource is a

job listing (as recited in each of independent claims 4, 16, 27, and 42) are disclosed by the Foulger Provisional in a manner that enables a person skilled in the relevant art to make and use the embodiments delineated by these claims. For example, the Foulger Provisional, at page 8, lines 14-19, states:

> After step 310 is completed, a step 312 is performed. In step 312, statistical analysis engine 110 updates statistical indicators associated with the employment market category matched in step 310. In one embodiment, this step comprises incrementing a statistical counter associated with the matched employment market category. However, in accordance with the present invention, other types of statistical indicators can be updated.

Additionally, for example, the Foulger Provisional, at page 11, line 21 through page 12, line 13, states:

> FIG. 6 is a second exemplary output chart 600. Like output chart 500, this chart can also be generated during the performance of step 204. Output chart 600 illustrates the ratio of job listings to resumes for a plurality of labor type by region market categories. As shown in FIG. 6, output chart 600 is a bar chart containing statistical indicators for a plurality of labor type by region employment market categories. These statistical indicators are the ratios of the number of job listings to the number of resumes for a plurality of labor type by region market categories. In output chart 600, These indicators are plotted in decreasing order to enable a user to identify regions where demand for employment is high.
>
> As described above with reference to FIG. 2, in step 206, a user analyzes data that is output during the performance of step 204. For instance, using the exemplary output illustrated in FIGS. 5 and 6, a user can assess and compare the demand for particular labor types across different regions. This assessment and comparison enables user(s) to determine the likelihood of employment placings, as well as other characteristics of labor market categories. These determinations enable users that match people such as independent consultants with jobs and projects to focus on labor market categories where there is a high demand. For example, as shown in FIG. 6, for the employment market category of management jobs in Illinois, there is a higher ratio of jobs to resumes than in the employment market category of marketing jobs in Florida. Accordingly, these indicators can support the conclusion that there is a higher likelihood of placement for management jobs in Illinois than for marketing jobs in Florida.

In contrast, the Carpenter Provisional, which appears to be an excerpt from a business plan for a web-based, job search enterprise, discloses a host of features intended to be included in the business model, but ***does not disclose the workings of the underlying***

search engine in a manner that ***enables*** a person skilled in the relevant art ***to make and use it*** for at least the features of: (1) performing a search of resumes to produce a set of resumes with "a relevant percentage rate" or "a portion of a pool of the entire pool of resumes" let alone for ***calculating a ratio of resumes*** associated with the matched employment market category ***to job listings*** associated with the matched employment market category or (2) "tracking an amount of data stored," "counting an age of documents," or "counting documents" let alone ***incrementing a first counter associated with*** the matched employment market category when the employment resource is ***a resume*** and ***incrementing a second counter associated with*** the matched employment market category when the employment resource is ***a job listing***.

Accordingly, neither the Carpenter Publication nor the Carpenter Provisional enables one of skill in the art to make and use the embodiments delineated by the claims of the present patent application. Furthermore, ***the Carpenter Publication should be removed as a prior art reference*** under 35 U.S.C. § 102(e) with respect to: (1) the feature of calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category (as recited in each of independent claims 3, 15, 23, and 26) and (2) the feature of incrementing a first counter associated with the matched employment market category when the employment resource is a resume and incrementing a second counter associated with the matched employment market category when the employment resource is a job listing (as recited in each of independent claims 4, 16, 27, and 42), ***the Carpenter Publication does not enjoy the benefit of the filing date of the Carpenter Provisional, but the present patent application does enjoy the benefit of the filing date of the Foulger Provisional***.

D. Conclusion

The embodiments delineated by independent claims 3, 4, 15, 16, 23, 26, 27, and 42 are not anticipated by the Carpenter Publication because it does not: (1) disclose, teach, or suggest all of the features in these claims, (2) show possession of the claimed embodiments, (3) enable one of skill in the art to make and use the claimed embodiments, and (4) does not enjoy the benefit of the filing date of the Carpenter Provisional. Because each of claims 5, 6, 9, 10, 17, 18, 21, 22, 28, 29, 32-41, and 43-46 depends upon independent claims 3, 4, 15, 16, 26, or 27 and because of the additional distinctive features of each of claims 5, 6, 9, 10, 17, 18, 21, 22, 28, 29, 32-41, and 43-46, each of these claims is also not anticipated by the Carpenter Publication. Therefore, Appellants respectfully request that the Board reverse the Examiner's final rejection of claims 3-6, 9, 10, 15-18, 21-23, 26-29, and 32-46 under 35 U.S.C. § 102(e) and remand the present patent application for issue.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Timothy A. Doyle
Attorney for Appellants
Registration No. 51,262

Date: 24 JUL 08

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

VIII. Claims Appendix (37 C.F.R. § 41.37(c)(1)(viii))

3. A method of generating employment market statistics from a network, comprising the steps of:

(a) accessing an employment resource via the network, the employment resource comprising data;

(b) matching the data to one of a plurality of employment market categories; and

(c) updating at least one statistical indicator associated with the matched employment market category;

wherein step (c) comprises the step of calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category.

4. A method of generating employment market statistics from a network, comprising the steps of:

(a) accessing an employment resource via the network, the employment resource comprising data;

(b) matching the data to one of a plurality of employment market categories; and

(c) updating at least one statistical indicator associated with the matched employment market category;

wherein step (c) comprises the steps of:

incrementing a first counter associated with the matched employment market category when the employment resource is a resume; and

incrementing a second counter associated with the matched employment market category when the employment resource is a job listing.

5. The method of claim 3, wherein each of the plurality of market categories corresponds to a particular labor type and region.

6. The method of claim 3, wherein step (b) comprises the steps of:

matching the employment resource to a raw category;

matching the employment resource to an interim category; and

matching the employment resource to an employment market category.

9. The method of claim 3, wherein step (a) comprises the steps of:

sending a client request across the network to a server; and

receiving the employment resource via the network.

10. The method of claim 3, further comprising the steps of:

repeating steps (a) through (c) for each of a plurality of employment resources; and

for each of the plurality of market categories, plotting the associated statistical indicator.

15. A system for generating employment market statistics from a network, comprising:

means for accessing an employment resource via the network, the employment resource comprising data;

means for matching the data to one of a plurality of employment market categories; and

means for updating at least one statistical indicator associated with the matched employment market category;

wherein said means for updating at least one statistical indicator comprises means for calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category.

16. A system for generating employment market statistics from a network, comprising:

means for accessing an employment resource via the network, the employment resource comprising data;

means for matching the data to one of a plurality of employment market categories; and

means for updating at least one statistical indicator associated with the matched employment market category;

wherein said means for updating at least one statistical indicator comprises:

means for incrementing a first counter associated with the matched employment market category when the employment resource is a resume; and

means for incrementing a second counter associated with the matched employment market category when the employment resource is a job listing.

17. The system of claim 15, wherein each of the plurality of market categories corresponds to a particular labor type and region.

18. The system of claim 15, wherein said means for matching the data to one of a plurality of employment market categories comprises:

means for matching the employment resource to a raw category;

means for matching the employment resource to an interim category; and

means for matching the employment resource to an employment market category.

21. The system of claim 15, wherein said means for accessing an employment resource comprises:

means for sending a client request across the network to a server; and

means for receiving the employment resource via the network.

22. The system of claim 15, further comprising means for plotting the associated statistical indicator for each of the plurality of market categories.

23. A system for generating employment market statistics from a network, comprising:

a spider engine that accesses an employment resource via the network, the employment resource comprising data; and

a statistical analysis engine that matches the data to one of a plurality of employment market categories and calculates a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category.

26. A computer program product comprising a computer useable medium having computer program logic stored therein, said computer program logic for generating employment market statistics from a network, wherein said computer program logic comprises:

means for enabling the computer to access an employment resource via the network, the employment resource comprising data;

means for enabling the computer to match the data to one of a plurality of employment market categories; and

means for enabling the computer to update at least one statistical indicator associated with the matched employment market category;

wherein said means for enabling the computer to update at least one statistical indicator comprises means for enabling the computer to calculate a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category.

27. A computer program product comprising a computer useable medium having computer program logic stored therein, said computer program logic for generating employment market statistics from a network, wherein said computer program logic comprises:

means for enabling the computer to access an employment resource via the network, the employment resource comprising data;

means for enabling the computer to match the data to one of a plurality of employment market categories; and

means for enabling the computer to update at least one statistical indicator associated with the matched employment market category;

wherein said means for enabling the computer to update at least one statistical indicator comprises:

means for enabling the computer to increment a first counter associated with the matched employment market category when the employment resource is a resume; and

means for enabling the computer to increment a second counter associated with the matched employment market category when the employment resource is a job listing.

28. The computer program product of claim 26, wherein each of the plurality of market categories corresponds to a particular labor type and region.

29. The computer program product of claim 26, wherein said means for enabling the computer to match the data to one of a plurality of employment market categories comprises:

means for enabling the computer to match the employment resource to a raw category;

means for enabling the computer to match the employment resource to an interim category; and

means for enabling the computer to match the employment resource to an employment market category.

32. The computer program product of claim 26, wherein said means for enabling the computer to access an employment resource comprises:

means for enabling the computer to send a client request across the network to a server; and

means for enabling the computer to receive the employment resource via the network.

33. The computer program product of claim 26, further comprising means for enabling the computer to plot the associated statistical indicator for each of the plurality of market categories.

34. The method of claim 4, wherein each of the plurality of market categories corresponds to a particular labor type and region.

35. The method of claim 4, wherein step (b) comprises the steps of:

matching the employment resource to a raw category;

matching the employment resource to an interim category; and

matching the employment resource to an employment market category.

36. The method of claim 4, wherein step (a) comprises the steps of:

sending a client request across the network to a server; and

receiving the employment resource via the network.

37. The method of claim 4, further comprising the steps of:

repeating steps (a) through (c) for each of a plurality of employment resources; and

for each of the plurality of market categories, plotting the associated statistical indicator.

38. The system of claim 16, wherein each of the plurality of market categories corresponds to a particular labor type and region.

39. The system of claim 16, wherein said means for matching the data to one of a plurality of employment market categories comprises:

means for matching the employment resource to a raw category;

means for matching the employment resource to an interim category; and

means for matching the employment resource to an employment market category.

40. The system of claim 16, wherein said means for accessing an employment resource comprises:

means for sending a client request across the network to a server; and

means for receiving the employment resource via the network.

41. The system of claim 16, further comprising means for plotting the associated statistical indicator for each of the plurality of market categories.

42. A system for generating employment market statistics from a network, comprising:

a spider engine that accesses an employment resource via the network, the employment resource comprising data; and

a statistical analysis engine that matches the data to one of a plurality of employment market categories, wherein the statistical analysis engine increments a first counter associated with the matched employment market category when the employment resource is a resume and increments a second counter associated with the matched employment market category when the employment resource is a job listing.

43. The computer program product of claim 27, wherein each of the plurality of market categories corresponds to a particular labor type and region.

44. The computer program product of claim 27, wherein said means for enabling the computer to match the data to one of a plurality of employment market categories comprises:

means for enabling the computer to match the employment resource to a raw category;

means for enabling the computer to match the employment resource to an interim category; and

means for enabling the computer to match the employment resource to an employment market category.

45. The computer program product of claim 27, wherein said means for enabling the computer to access an employment resource comprises:

means for enabling the computer to send a client request across the network to a server; and

means for enabling the computer to receive the employment resource via the network.

46. The computer program product of claim 27, further comprising means for enabling the computer to plot the associated statistical indicator for each of the plurality of market categories.

IX. Evidence Appendix (37 C.F.R. § 41.37(c)(1)(ix))

To the best of the knowledge of Appellants, Appellants' legal representative, and Appellants' assignee, there has been no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, nor has any other evidence been entered in the record by the Examiner and relied upon in this Appeal Brief.

X. Related Proceedings Appendix (37 C.F.R. § 41.37(c)(1)(x))

To the best of the knowledge of Appellants, Appellants' legal representative, and Appellants' assignee, there are no decisions rendered by a court or the board because, as identified above, to the best of the knowledge of Appellants, Appellants' legal representative, and Appellants' assignee, there are no other appeals, interferences, or judicial proceedings which may related to, directly affect, or be directly affected by or have a bearing on a decision by the Board in the pending appeal.